

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:

LeClairRyan, PLLC,¹

Debtor

Case No.

19-34574-KRH

Chapter

7

MOTION TO EXPEDITE HEARING AND SHORTEN RESPONSE PERIOD ON THE TRUSTEE'S MOTION AND MEMORANDUM IN SUPPORT THERETO

Lynn L. Tavenner, Trustee, not individually but solely in her capacity as the Chapter 7 trustee (in such capacity, the “**Chapter 7 Trustee**” and/or the “**Trustee**”) of the bankruptcy estate (the “**Estate**”) of LeClairRyan PLLC (“**LeClairRyan**” and/or the “**Debtor**”), in the above-referenced Chapter 7 case (the “**Case**”), hereby moves (the “**Expedited Hearing Motion**”) the Court for the entry of an order pursuant to Local Bankruptcy Rule 9013-1(N) granting an expedited hearing and shortening the response period on her *Motion for Entry of Orders Extending the Chapter 7 Trustee's Time to Assume, Reject, and/or Assign Certain Executory Contracts and/or Leases of Personal Property Pursuant to 11 U.S.C. § 365(d)(1)* (the “**Motion**”).² In support of this Expedited Hearing Motion, the Trustee respectfully represents as follows:

¹ The principal address of the Debtor as of the petition date was 4405 Cox Road, Glen Allen, Virginia 23060, and the last four digits of the Debtor's federal tax identification number are 2451.

² Capitalized terms not otherwise defined shall have the meanings given them in the Motion.

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Counsel for Lynn L. Tavenner, Chapter 7 Trustee

JURISDICTION

1. The United States Bankruptcy Court for the Eastern District of Virginia (the “**Court**”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference from the United States District Court for the Eastern District of Virginia*, dated August 15, 1984.

2. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

RELIEF REQUESTED

4. At the time of the conversion, the Debtor was winding down its affairs in an orderly fashion, which fashion involved operating certain aspects of its business. These operations included, but were not limited to, the (a) reconciliation, resolution, and collection of accounts receivable, (b) transition of client files and other related information to respective clients, replacement attorneys, and/or queues for destruction, (c) continued utilization of pre-petition bank accounts, cash management systems, IT systems, and/or payroll processing entities, (d) disposition of other Estate assets, and (e) maintenance of all requisite insurance (the “**Wind-down Operations**”).

5. On October 30, 2019, the Trustee filed her Motion, which addresses issues necessary for the Trustee to continue to administer the Case and conduct the Wind-down Operations. The Trustee, in the exercise of her business judgment, filed the Motion in an effort to maintain her ability to otherwise continue seamlessly the Wind-down Operations.

6. In conjunction with her Motion, the Trustee indicated that she would serve the Motion and the *Ex Parte Bridge Order Extending the Time to Assume, Reject, and/or Assign*

Certain Executory Contracts and/or Leases of Personal Property Pursuant to 11 U.S.C. § 365(d)(1) (the “**Bridge Order**”), ECF No. 202, upon receipt from the Debtor of its Official Forms 106D and G. The Trustee received useable versions of the Debtor’s Official Forms 106D and G on November 10, 2019. On November 12, 2019, the Trustee conducted the meeting of creditors pursuant to § 341 of the Bankruptcy Code. At said meeting, the Trustee confirmed that the Debtor did not maintain a central depository for contract and leases. The Motion requested that the Court extend the deadline contained in § 365(d)(1) through and including December 16, 2019, a forty-five-day extension from the date on which her deadline under § 365(d)(1) originally expired. The Trustee carefully considered the length of additional time that she would require to complete the Wind-down Operations and concluded that forty-five-days was sufficient. Unfortunately, the Trustee is only 8 days from her next omnibus hearing date of November 21, 2019. As opposed to requesting another hearing date from this Court, the Trustee requests that the Motion be heard at the next scheduled hearing on November 21, 2019.

LEGAL AUTHORITY

7. Local Rule 9013-1(N) contemplates the relief requested herein. Pursuant to Local Rule 9013-1(N), the Certification for Expedited Hearing is attached hereto as Exhibit A.

NOTICE

8. Copies of this Expedited Hearing Motion and notice thereof have been provided to (a) the Office of the United States Trustee; (b) all parties listed on the Debtor’s Official Form 106G except known landlords whose leases have already been rejected by Order of this Court; (c) the Debtor’s 20 Largest Unsecured Creditors; (d) all known secured creditors from the Debtor’s Official Form 106D; (e) the Core Parties and 2002 List as defined in the Order Establishing Certain

Notice, Case Management, and Administrative Procedures, ECF No. 38; and (f) all parties requesting service of pleadings in this Case. In light of the nature of the relief requested herein, the Trustee submits that no other or further notice is required.

WHEREFORE, the Trustee respectfully requests that the Court enter an order substantially in the form attached hereto as Exhibit B: (a) permitting the Trustee to present the Motions on an expedited basis and shortening the response period thereon and (b) granting such other and further relief, as the Court may deem proper.

Respectfully submitted,

LYNN L. TAVENNER, CHAPTER 7 TRUSTEE

Dated: November 13, 2019
Richmond, Virginia

By: /s/ Paula S. Beran
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CERTIFICATE OF SERVICE

Pursuant to the Local Rules of this Court, I certify that on this 13th day of November 2019, a true copy of the foregoing Motion, Bridge Order, and Notice was sent electronically to: (a) the Office of the United States Trustee; (b) all parties listed on the Debtor's Official Form 106G except known landlords whose leases have already been rejected by Order of this Court; (c) the Debtor's 20 Largest Unsecured Creditors; (d) all known secured creditors from the Debtor's Official Form 106D; (e) the Core Parties and 2002 List as defined in the *Order Establishing Certain Notice, Case Management, and Administrative Procedures*, ECF No. 38; and (f) all parties requesting service of pleadings in this Case (as indicated on Schedule A attached to the Court filed copy of this Motion to Expedite).

/s/ Paula S. Beran
Counsel for Lynn L. Tavenner, Chapter 7 Trustee

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Travelers Casualty and Surety Company of America
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EXHIBIT A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:

LeClairRyan, PLLC,

Debtor

Case No.

19-34574-KRH

Chapter

7

CERTIFICATION FOR EXPEDITED HEARING

Lynn L. Tavenner, Chapter 7 Trustee (the “**Trustee**”), has filed (a) a request for an expedited hearing (the “**Expedited Hearing Motion**”) and (b) the Motions (as defined in the Expedited Hearing Motion). In support thereof, as required by Local Rule 9013-1(N), I, Lynn L. Tavenner, hereby swear under penalty of perjury the following:

1. I am a member of the Bar of this Court;
2. I have carefully examined the matter and have concluded that there is a true need for an emergency hearing;
3. I have not created the emergency through any lack of due diligence; and
4. I am unable to resolve the matter without a hearing.

/s/ Lynn L. Tavenner

Lynn L. Tavenner, Chapter 7 Trustee

EXHIBIT B

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:

LeClairRyan, PLLC,¹

Debtor

Case No.

19-34574-KRH

Chapter

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**ORDER GRANTING EXPEDITED HEARING ON
THE TRUSTEE'S MOTION TO EXPEDITE HEARING**

This matter came before the Court upon the motion of Lynn L. Tavenner, Chapter 7 trustee (the “**Trustee**”) of the above-captioned bankruptcy case, requesting an expedited hearing and shortened response period (the “**Expedited Hearing Motion**”) on the Motion (as defined in the Expedited Hearing Motion), and it appearing that a certification under Local Rule 9013-1(N) was attached to the Expedited Hearing Motion and it further appearing good cause exists for granting an expedited hearing, it is hereby:

ADJUDGED, ORDERED, AND DECREED as follows:

1. The Expedited Hearing Motion is hereby GRANTED.
2. Capitalized terms not otherwise defined herein shall have the meanings given to them in the Expedited Hearing Motion.

¹ The principal address of the Debtor as of the petition date was 4405 Cox Road, Glen Allen, Virginia 23060, and the last four digits of the Debtor’s federal tax identification number are 2451.

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Counsel for Lynn L. Tavenner, Chapter 7 Trustee

3. The Court shall hear the Motions on November 21, 2019 at 1:00 p.m. (prevailing Eastern Time) at the U.S. Bankruptcy Court, 701 East Broad Street, Room 5000, Richmond, Virginia 23219.

4. The notice requirements of Local Rule 9013-1(M) are hereby waived for the Expedited Hearing Motion.

5. Upon entry, the Clerk shall serve (by electronic delivery) a copy of this Order on counsel for the Trustee.

ENTERED:

UNITED STATES BANKRUPTCY JUDGE

I ask for this:

/s/

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Counsel for Lynn L. Tavenner, Chapter 7 Trustee

Local Rule 9022-1 Certification

I hereby certify that, pursuant to Local Rule 9022-1, the foregoing proposed *Final Order* has either been served upon and/or endorsed by all necessary parties.

/s/

Counsel for Lynn L. Tavenner, Chapter 7 Trustee

Service List for Entered Order

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